

- **MINUTES**
- **Monday, April 28, 2008**
- **TOWN OF BELMONT BOARD OF SELECTMEN**
- **TOWN MEETING**
- **PRINCIPAL'S CONFERENCE ROOM**
- **BELMONT HIGH SCHOOL**
- **6:00PM**

- **CALL TO ORDER**

- A regular meeting of the Board was called to order in open session at 6:02 PM by Chairman Firenze in the High School Principal's Conference Room. Chairman Firenze and Selectman Jones were present. Selectman LeClerc was unable to attend the meeting due to a health issue. Town Administrator Tom Younger and Assistant Town Administrator Jeff Conti were also present.

- - *The Board moved:* To enter into Executive Session to discuss a health insurance litigation issue, and subsequently to return to open session.
 - The motion passed (2-0).

- The Board entered executive session at 6:04 PM.

- *(During executive session, no substantive motions were made.)*

- The Board returned to open session at 6:12 PM.

- - *Selectman Jones moved:* That the Board of Selectman rescind the motion made at the April 7, 2008 meeting which implemented PPO contribution and plan design changes in health insurance. The Board does this on the advice of counsel after the receipt of a letter from the Belmont Education Association.
 - The motion passed unanimously (2-0).

- **QUESTIONS FROM TOWN RESIDENTS**

- There were no questions.

- **ACTION BY APPOINTMENT**

- **Vote on Town Meeting Articles**

- Chairman Firenze noted that while Selectman Leclerc is not in attendance at this evening's meeting, he was able to solicit his input on the Town Meeting Articles. Chair

Firenze added that, with the exception of only one article (23), they are in agreement on all other articles.

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- Regarding Article 23, Selectman Jones noted that, while he understands the concerns of the Planning Board, he is not sure that this permit is the way to resolve the issues raised. He also noted that the Warrant Committee opposed Article 23 by a large majority.
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- Regarding Article 20, Chair Firenze noted that the proposed amendments to the article (which were filed today) spell out specific conditions that he thought were obvious all along. The conditions pertain to the selling of the properties which will require a proper process (permit acquisition). The amendments contain wording that the neighboring residents understand and are comfortable with. The neighborhood and the Planning Board will meet to discuss the details tomorrow night (Tuesday, April 29). Assuming the support of the neighborhood, the Planning Board and the Board of Selectman will continue the process, which will include a public hearing, adding restrictions to the RFP, etc. If opposition remains after Tuesday's meeting, the Board will discuss and move to dismiss Article 20 at Wednesday's Town Meeting.
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- Regarding the amendment to Article 10 (limiting the funds allocated for police details), the Board is opposed.
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- *The Board moved:* To recommend passage of all articles, with the exception of Articles 23 and 20 and the dismissal of Article 18.

- The motion passed unanimously (2-0).

- *The Board moved:* To oppose the amendments to Article 10, and to recommend disapproval of said article with amendments.

- The motion passed unanimously (2-0).

- *The Board moved:* To oppose Article 23, and to recommend unfavorable action on the article.

- The motion passed unanimously (2-0).

- Chair Firenze noted that Selectman Leclerc had indicated his approval of Article 23, but that he was not present to vote.

- **Keno to Go Update**

- Mr. Younger explained that Keno to Go is similar to Keno, but that the ticket code is identified at home, not on site. Belmont does not have Keno. He added that he had met with state officials to discuss issues concerning having a computer in the store to check the Keno ticket. He was informed that regulations exist which prohibit checking on site or posting the results on site. Selectman Jones asked whether it is known what Belmont would receive in revenue from Keno to Go – he said he believed that the town

would not receive a high rate of return, as the affluence of Belmont would impact the formula. Mr. Younger replied that statewide the number is about \$100 million, but that Belmont's revenue is unknown at this time. The Board had 21 days to oppose, and since their concerns were addressed, they did not oppose.

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- *The Board moved:* To not oppose Keno to Go.
- The motion passed unanimously (2-0).

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- **Comprehensive Plan funding (\$50,000)**
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- Chair Firenze reviewed the Board's decision to leave the money in the budget for the Comprehensive Plan and to discuss further with the Planning Board to get a fuller and deeper understanding of how the money will be spent.
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- **ACTION BY WRITING**
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- *The Board moved:* To sign the warrant for the Special Town Election – June 9, 2008.
- The motion passed unanimously (2-0).
- The Warrant was signed by Chairman Firenze and Selectman Jones.
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- *The Board moved:* To sign the Proclamations for Dr. Paul Solomon, Ms. Liz Norris, and Mr. Henry Hall.
- The motion passed unanimously (2-0).
- The Proclamations were signed by Chair Firenze and Selectman Jones.
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- *The Board moved:* To sign the Proclamation Declaring Arbor Day on Thursday, May 1, 2008.
- The motion passed unanimously (2-0).
- The Proclamation was signed by Chair Firenze and Selectman Jones.

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- **OTHER**
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- Chair Firenze noted that the school IT Director, Lee McCanne, is leaving and that the School Committee has posted a position replacement without discussing the position with the BOS. Since the town pays a portion of this position's salary, Chair Firenze would like to review the overall IT structure to find out what we want to do and how we want to do it. Therefore, the Board will not participate in funding this position until the IT Director role is discussed further.
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- *The Board moved:* That it desires to discuss the IT function further, and that the Town will not fund its portion of this position at this time.
- The motion passed unanimously (2-0).
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- The Board moved to recess at 6:50 pm.
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- The Board reconvened at 7:30 pm in the Auditorium for Town Meeting. The Board recessed at 11:00 PM until Wednesday, April 30, 2008 in the Principal's Conference Room.
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- The Board reconvened at 6:40 PM in the Principal's Conference Room at the Belmont High School.
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- **Town Meeting Articles**
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- Article 23
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- The Board moved: To reconsider its vote on Article 23.
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- Motion passed unanimously (3-0).
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- The Board moved: To recommend unfavorable action on Article 23.
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- There was discussion. Chair Firenze asked if this Article raises the possibility of a lawsuit against the Town. Town Counsel John Giorgio said the question could be raised if there is a rational basis for singling out one type of business (in this case, banks), but a case for doing so has been articulated. He opined that a legal challenge could be made but would be unlikely to succeed.
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- Motion carried 2-1, Leclerc voting Nay.
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- Article 10 – Burke Amendments
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- It was clarified that state statute and Town by-laws do not require the Town to use police details for construction projects, but the police union contract does. The police chief has the authority to determine when and what type of detail is needed. The detail pay rate is specified in the union contract. Mr. Conti said that for a highway project, the Town currently spends about 7 to 9 percent of total project cost on details.
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- The Board moved: To oppose both amendments.
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- Motion carried unanimously (3-0).
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- Article 20 – Revised motions
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- There was discussion of a developer's concern about the language regarding the appeals period that if any appeal is filed, no sale is possible. The developer had suggested a language change but is withdrawing that change. Chair Firenze said he is very reluctant to make further changes at this point.
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- The Board moved: To support the motion under Article 20 as re-worded.
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- Motion carried unanimously (3-0).
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- The Board recessed at 7:15 PM.
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- The Board reconvened at 7:30 PM in the Auditorium for Town Meeting. The Board recessed at 11:51 PM until Monday, May 5, 2008.
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- The Board reconvened at 7:30 PM on Monday, May 5, 2008 for the continuation of Town meeting. The Board adjourned at 9:46 PM.
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Administrator

Thomas G. Younger, Town

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